IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 1315 (S/S) of 2005

Hari Singh,
Son of Sri Niyadar Singh,
resident of Mohalla – Natta Singh,
Jaspur, Post – Jaspur,
District – Udham Singh Nagar. ……..Petitioner.

Versus.

1. State of Uttaranchal, through Secretary Education, Civil Secretariat, Uttaranchal, Dehradun.
2. District Education Officer, Udham Singh Nagar.
3. Principal, Junior High School, Hamirawala, Block- Jaspur, District- Udham Singh Nagar.

……Respondents.

Hon'ble M.M. Ghildiyal, J.:

Heard Sri Lokendra Dobhal, learned counsel for the petitioner and learned standing counsel, who has accepted notices on behalf of respondents.

Learned counsel for both the parties are agree to decide the writ petition at its admission stage itself.

Petitioner who is working as Assistant Teacher in Junior High School Hamirawala, Block- Jaspr, District – Udham Singh Nagar, has challenged the order dated 21.07.2005 passed by respondents no. 2 i.e. District Education Officer, Udham Singh Nagar, by which petitioner has been transferred form Junior High School, Hamirawala, Block- Jaspur, District – Udham Singh Nagar to Junior High School, Amrit Nagar, Block- Gadrpur, District – Udham Singh Nagar.

It is stated in the Government Policy dated 20.07.2005 that the teachers, who have completed the 55 years of age, they should not be transferred. On this ground, the transfer of one Sri Chhajju Singh has been cancelled by the Authorities, who has been transferred form Junior High School, Hamirawala, Block-Jaspur, District-Udham Singh Nagar to Junior High School, Amrit Nagar, Block-Gadarpur, District- Udham Singh Nagar vide order dated Block- Gadarpur, District-Udham Singh Nagar vide order dated 30.06.2005 and petitioner has been transferred in place of Sri Chhajju Singh. In the aforesaid policy it is also provided that the teacher shall be adjusted at nearby place of the Institution.

Learned counsel for the petitioner has submitted that his daughter is studying in M.A. final year and his son is studying in M.Sc at Kashipur. The family of the petitioner is residing at Jaspur and in case, transfer of the petitioner is not stayed his family will suffer form great hardship and his whole family will be disturbed.

In this regard petitioner has already moved a representation dated 31.08.2005 to Addition Director, Education, Kumaon Mandal, Nainital. A copy of which is also sent to District Education Officer, Udham Singh Nagar with a request to adjust the petitioner at nearby place i.e. either at Purv Madhyamik Vidyalaya, Dharampur, Jaspur, Udhma Singh Nagar or Purv Madhyamik Vidyalaya, Mahuadabra, Jaspur Udham Singh Nagar or Purv Madhyamik Vidyalaya, Gadi Hussain, Jaspur, Udham Singh Nagar and the said representation is still pending.

In view of the aforesaid facts, I direct the respondent no. 2 i.e. District Education Officer, Udham Singh Nagar to decide the petitioner's representation dated 31.08.2005 sympathetically and in case, the vacancy is available in above mentioned schools petitioner may be adjusted in any one of those schools. Petitioner is directed to produce the certified copy of this order within a period of one week before respondent no. 2 and the respondent no. 2 may take decision on the representation of the petitioner within three weeks from today.

With this direction the writ petition is disposed of accordingly. No order as to costs.

(M.M. Ghildiyal, J.)

September 09, 2005
SKSharma